

IDAHO BOARD OF DRINKING WATER & WASTEWATER PROFESSIONALS
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 11/3/2021

THIS IS A DRAFT DOCUMENT THAT HAS NOT BEEN APPROVED BY THE BOARD

BOARD MEMBERS PRESENT: Bryson Ellsworth - Chair
Michael S Parker
Michael W Shepherd
Stacy Stuart
Paul D Sifford
Jerri Henry

BOARD MEMBERS ABSENT: David S Shurtleff

DIVISION STAFF: MiChell Bird, Bureau Chief – Construction
Tim Frost, Deputy Administrator
Julie Eavenson, Board Support Supervisor
Skip Liddle, Chief Investigator
Yvonne Dunbar, General Counsel
Eric Nelson, Board Prosecutor
Kim Aksamit, Board Specialist
Bonnie Dodson, Board Support

OTHERS PRESENT: Shelley Roberts, Idaho Rural Water Association
Therese Borgerding, Idaho Rural Water Association
Leslie Wilder, BAT & Supply

The meeting was called to order at 9:00 AM MDT by Bryson Ellsworth.

APPROVAL OF MINUTES

Ms. Henry made a motion to approve the minutes of July 8, 2021, with corrections. It was seconded by Mr. Parker. Motion carried.

Mr. Parker made a motion to approve the minutes of August 4, 2021. It was seconded by Mr. Shepherd. Motion carried.

DIVISION BUSINESS

The Board reviewed the To Do List and no action was taken.

NEXT MEETING was scheduled for February 9, 2022, 9:00 AM MST.

BOARD BUSINESS

WATER/WASTEWATER APPRENTICESHIP PROGRAM

Ms. Borgerding gave an update on the Idaho Rural Water Association (IRWA) apprenticeship. There are 25 participants currently enrolled in the program. There are 12 in the water track and 13 in the wastewater track. The virtual format is working well.

CONFERENCE UPDATES AND ATTENDANCE

The board discussed having a board member/or staff member attend the Idaho Rural Water (IRWA) Conference in March. The board determined that an informational handout would be fine.

APPRENTICESHIP PROGRAM

Mr. Frost discussed the apprenticeship program and approval from the board in IDAPA 24.05.01.328. He discussed prior to the board meeting, staff met with stakeholders, including IRWA, about the current education and experience rules for class I and II operator's licensure as they relate to the apprenticeship program. He recommended the board amend the education provisions of the rule to include successfully complete an Approved Apprenticeship Program. He also discussed with the board the option of using the US Department of Labor approved apprenticeship programs as the potential basis approval. Similarly, that an apprenticeship model may be created as a future pathway for class III and IV.

The board members all agreed that the Division should move forward with program changes that allow for more apprenticeships, and to draft the necessary rule changes to IDAPA 24.05.01.330 to incorporate into Omnibus rulemaking.

SUBCOMMITTEE REPORT

Ms. Henry gave the subcommittee report stating the following: subcommittee continues to work on a general Code of Ethics for all licenses. The subcommittee reported that the Code of Ethics may help with the issue of contract operators that are operators in name only. The subcommittee also addressed the issue of experience from contractors that sometimes lay pipe or install systems but are not directly working for or operating a water system as an operator. The rules do not currently allow for that type of experience, and the board must follow the rules. If the board wants to count this type of experience, a rule change is necessary. The Department of Environmental Quality (DEQ) removed the Lagoon classification over 10 years ago, and the committee is working on a solution for those operators who hold that classification.

ASSOCIATION OF BOARDS OF CERTIFICATION

The board reviewed the contract. No action was taken.

EXAMINATION PROCESS

Mr. Ellsworth presented to the board that they should not be approving applications for examination, but for licensure. Discussion was held regarding allowing individuals to test without board approval. The board requested information from what surrounding states are doing. Discussion has been tabled.

ENDORSEMENT FROM CALIFORNIA

Discussion was held regarding the process of applications for endorsement from California. Mr. Parker made a motion to adopt the flow chart presented for classifications of California endorsement licenses. It was seconded by Mr. Shepherd. Motion carried.

The board directed staff to put the flow chart on the website as a guideline.

APPLICATION PROCESS/DELEGATED AUTHORITY

Discussion was held regarding delegating applications to the division staff for review and approval. Board members would prefer that the board retain the authority to review applications. Discussion has been tabled.

The board took a 10-minute recess.

COMPLAINT MEMORANDUM

EXECUTIVE SESSION

Ms. Henry made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Mr. Parker. The vote was: Ms. Henry, aye; Mr. Stuart, aye; Mr. Parker, aye; Mr. Shepherd, aye; Mr. Ellsworth, aye; and Mr. Sifford, aye. Motion carried.

Mr. Sifford made a motion to come out of executive session. It was seconded by Mr. Parker. Motion carried.

DISCIPLINE

Mr. Nelson presented a Stipulation and Consent Order in case number WWP-2021-3. made a motion to approve the Consent Order with the typographical correction to paragraph 2 and allow the Board chair to sign on behalf of the Board. It was seconded by Mr. Parker. Motion carried.

BOARD BUSINESS

EXECUTIVE SESSION

Mr. Stuart made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Ms. Henry. The vote was: Ms. Henry, aye; Mr. Parker, aye; Mr. Sifford, aye; Mr. Shepherd, aye; Mr. Mr. Stuart, aye; and Mr. Ellsworth, aye. Motion carried.

Mr. Shepherd made a motion to come out of executive session. It was seconded by Mr. Parker. Motion carried.

APPLICATIONS

Mr. Parker made a motion to approve the following for examination:

901187194

It was seconded by Mr. Stuart. Motion carried.

Mr. Parker made a motion to approve the following pending receipt of additional information:

901163880
901185565

It was seconded by Mr. Stuart. Motion carried.

The board accepted the Inquiry on Impact of Conviction for applicant 901187803 and authorizes Board staff to notify the applicant that, based on the criminal record information submitted, the individual is not disqualified from receiving or holding the license WWP-Land about which the individual inquired. It was seconded by Mr. Stuart. Motion carried. Ms. Henry recused herself.

ADJOURNMENT

Mr. Parker made a motion to adjourn the meeting at 11:43 AM MDT. It was seconded by Mr. Sifford. Motion carried.

